

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

KENNETH KOBS,

Plaintiff,

v.

Case No. 19-cv-571-pp

NANCY BERRYHILL,

Defendant.

**ORDER REQUIRING PLAINTIFF TO FILE AMENDED REQUEST TO
PROCEED WITHOUT PREPAYING THE FILING FEE**

The plaintiff has filed a complaint seeking judicial review of a final administrative decision denying his claim for disability insurance benefits under the Social Security Act. Dkt. No. 1. He also filed a motion for leave to proceed without prepaying the filing fee. Dkt. No. 3.

To allow the plaintiff to proceed without paying the filing fee, the court first must decide whether the plaintiff can pay the fee; if not, it must determine whether the lawsuit is frivolous. 28 U.S.C. §§1915(a) and 1915(e)(2)(B)(i).

The plaintiff's request to proceed without prepaying the filing fee does not provide enough facts for the court to decide whether he has the ability to pay the filing fee. The plaintiff indicates that he is not employed and that he's married. Dkt. No. 3 at 1. He lists no source of income, and under the section for his spouse's income he filled in "N/A." Id. at 2. The plaintiff does not list any expenses at all, he states that he owns a 1979 Toyota Truck worth \$100,

but has no cash on hand or in a checking or savings account, and that he owns no other property. Id. at 2-4. In the section for “Other Circumstances,” the plaintiff states “I am not currently employed as I am disabled. I am separated from my wife, and have not seen her in years.” Id. at 4.

Without more information explaining the plaintiff’s income and expenses, the court cannot evaluate whether he is able to pay the \$350 filing fee and \$50 administrative fee. The plaintiff must live somewhere and must eat somehow. Where does the plaintiff get the money he lives on? Does he have a pension? Does he receive social security? How does he pay for the place he lives—rent, mortgage? How much is that amount? Does the plaintiff live with someone who supports him? If so, he needs to tell the court that. The court is going to require the plaintiff to file a new request to proceed without prepaying the filing fee. Specifically, the plaintiff should tell the court the source of the money he uses to live on, and the amounts he pays for housing, food and other expenses.

The court **ORDERS** the plaintiff to file a new Request to Proceed in District Court Without Prepaying the Filing Fee by the end of the day on **June 18, 2019**. If the plaintiff does not provide a new request in time for the court to receive it by the end of the day on June 18, 2019, the court will deny his application and will require him to pay the filing fee by a date certain.

Dated in Milwaukee, Wisconsin this 28th day of May, 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge